

MUSTANG TOWERS  
COUNCIL OF CO-OWNERS, INC.

V.

Defendants.

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STATE OF TEXAS           §  
COUNTY OF NUECES      §

"My name is Mike Krismer. I am over 18 years of age and I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein because I have personally inspected and evaluated the Mustang Towers condominium complex on numerous occasions and I have been involved in evaluating hundreds of damaged buildings involved in property insurance claims. Also, I am qualified to give the opinions reflected in this affidavit, and I know what my opinions are. I am a Certified Indoor Environmental Consultant and a Mold Assessment Consultant holding Texas License Number MAC0139, which authorizes me to evaluate the effects of moisture on architectural building components of a structure. I have many years of experience in performing moisture damage evaluations in buildings, including the effects of moisture on cellulose materials and a variety of other building components, and I have assisted clients by identifying and implementing solutions for the restoration of many water

damaged buildings. I have also witnessed many appraisals and arbitrations of associated insurance claims and lawsuits, and I have testified as an expert in over 100 trials and arbitrations.

Based upon my experience and my knowledge of this building complex and insurance claim, I believe that two contractors or estimators and an umpire could determine the cost of repairing the damage caused to the main building at Mustang Towers within a few months if tasked to do so and not impaired by other commitments. Based on my experience with similar damaged buildings, I was able, with the help of Art Boutin, a licensed public adjuster, to estimate the total cost at Mustang Towers' main building within a few weeks at \$8 million within a small margin of error. Based upon my experience and expertise, if a formal appraisal of the hurricane damage to Mustang Towers had been initiated in December of 2017, it should have been completed within six months and it would almost certainly have been completed within nine months. My own initial appraisal of \$8 million for the overall damage at Mustang Towers only took about 60 days, although it took longer to generate specific repair plans and a line by line computer estimate for purposes of preparing for litigation in this case. If the matter had been resolved promptly by insurance appraisal, a substantial portion of this work would not have been necessary or could have been performed more easily and therefore more inexpensively.


Attached to this affidavit are my invoices in this case and an invoice shown to me for Art Boutin's work in the case. Based upon these invoices, our investigating and estimating activities in this case have cost over \$40,000 so far. These activities involved identifying the damage to the complex and estimating the method and cost to repair it, as well as documenting and quantifying that damage for the purpose of our opinions qualifying as admissible expert opinions in the trial of this case. I am familiar with the level of reliability and specificity necessary to qualify as admissible expert opinion and with the amounts charged by experts of the same type and qualifications as myself and Mr. Boutin in this locale, and in my opinion, the charges reflected in these bills are reasonable.

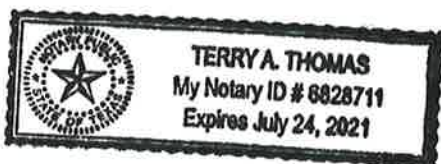
The documents I reviewed and relied upon and the inspections and evaluations I performed were of a type customarily relied upon by experts such as myself, and the methodology I utilized in arriving at my findings and opinions, in this case, is reliable and is generally followed by other experts in the field."

Further affiant sayeth not.

  
Mike Krismer

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned notary public, on this  
the 4<sup>th</sup> day of January, 2019.

  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



Art Boutin  
4507 Walton Heath Cir  
Austin, Tx 78747

# Invoice

Date 8/14/2018  
Invoice # 512

**Bill To**

Snapka Law Firm  
606 N Carancahua  
Corpus Christi, Tx 78401

**Ship To**

4507 Walton Heath Cir  
Austin, Tx 78747

P.O. #  
Terms

Ship Date 8/14/2018  
Due Date 8/14/2018  
Other

| Item     | Description                                     | Qty              | Price      | Amount    |
|----------|---|------------------|------------|-----------|
| Hourly   | Xactimate reports Mustang Towers 5/24,5/25,5/26 | 12               | 150.00     | 1,800.00  |
| Hourly   | Xactimate reports 6/20,6/21,6/22                | 12               | 150.00     | 1,800.00  |
| Hourly   | Inspect property and enter Xactimate - 7/27     | 8                | 150.00     | 1,200.00  |
| Hourly   | Inspect property and enter Xactimate - 7/31     | 8                | 150.00     | 1,200.00  |
| Hourly   | Inspect property and enter Xactimate - 8/1      | 4                | 150.00     | 600.00    |
| Hourly   | Inspect and enter Xactimate 8/09,8/10,8/11      | 24               | 150.00     | 3,600.00  |
| Discount | Discount - Advance                              |                  | -7,500.00  | -7,500.00 |
|          |   | Subtotal         | \$2,700.00 |           |
|          |   | Sales Tax (0.0%) | \$0.00     |           |
|          |   | Total            | \$2,700.00 |           |
|          |   | Payments/Credits | \$0.00     |           |
|          |   | Balance Due      | \$2,700.00 |           |

**Art Boutin**  
artboutin@hotmail.com

512-584-1429

Art Boutin  
4507 Walton Heath Cir  
Austin, Tx 78747

# Invoice

Date 8/23/2018  
Invoice # 518

**Bill To**

Snapka Law Firm  
606 N Carancahua  
Corpus Christi, Tx 78401

**Ship To**

4507 Walton Heath Cir  
Austin, Tx 78747

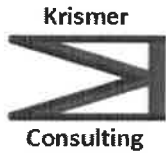
P.O. #  
Terms

Ship Date 8/23/2018  
Due Date 8/23/2018  
Other

| Item   | Description  | Qty               | Price  | Amount      |
|--------|--|-------------------|--------|-------------|
| Hourly | Inspect property and issue Xactimate report - 8 /14/15/16 Mustang Tower      | 24                | 150.00 | 3,600.00    |
| Hourly | Inspect property and issue Xactimate report - 8/20/21/22/22/24 Mustang Tower | 60                | 150.00 | 9,000.00    |
|        |  | Subtotal          |        | \$12,600.00 |
|        |  | Sales Tax (0.0%)  |        | \$0.00      |
|        |  | Total             |        | \$12,600.00 |
|        |  | Payments /Credits |        | \$0.00      |
|        |  | Balance Due       |        | \$12,600.00 |

**Art Boutin**  
artboutin@hotmail.com

512-584-1429



517 Ronson  
Corpus Christi, Texas 78412  
Phone(361) 548-6462

8/27/2018

Invoice Number: 18024

The Snapka Law Firm  
606 N. Caranchua, Suite 1511  
Corpus Christi, Texas 78401

Re: Mustang Towers  
6109 HY 361  
Port Aransas, Texas

|                           | HRS | Rate      | Ext         |   |
|---------------------------|-----|-----------|-------------|---|
| 5/17/2018 Stephen Krismer | 8   | \$ 100.00 | \$ 800.00   | Site Inspection and File Review           |
| 5/18/2018 Stephen Krismer | 8   | \$ 100.00 | \$ 800.00   | Site Inspection and File Review           |
| 5/21/2018 Stephen Krismer | 8   | \$ 100.00 | \$ 800.00   | Exhibits                                  |
| 5/22/2018 Stephen Krismer | 8   | \$ 100.00 | \$ 800.00   | Site Inspection and File Review           |
| 6/6/2018 Stephen Krismer  | 8   | \$ 100.00 | \$ 800.00   | Site Inspection and File Review           |
| 6/7/2018 Stephen Krismer  | 8   | \$ 100.00 | \$ 800.00   | Site Inspection and File Review           |
| 6/8/2018 Stephen Krismer  | 8   | \$ 100.00 | \$ 800.00   | Exhibits                                  |
| 7/11/2018 Stephen Krismer | 3   | \$ 100.00 | \$ 300.00   | Set data Loggers                          |
| 7/25/2018 Mike Krismer    | 4   | \$ 200.00 | \$ 800.00   | Inspection with Baldwin and Art Boutin    |
| 8/9/2018 Mike Krismer     | 8   | \$ 200.00 | \$ 1,600.00 | Inspection With Eric Althouse File Review |
| 8/9/2018 Stephen Krismer  | 8   | \$ 100.00 | \$ 800.00   | Inspection With Eric Althouse File Review |
| 8/10/2018 Mike Krismer    | 8   | \$ 200.00 | \$ 1,600.00 | Inspection With Art - File Review         |
| 8/10/2018 Stephen Krismer | 8   | \$ 100.00 | \$ 800.00   | Inspection With Art - File Review         |
| 8/13/2018 Mike Krismer    | 8   | \$ 200.00 | \$ 1,600.00 | Inspection With Art - File Review         |
| 8/13/2018 Stephen Krismer | 8   | \$ 100.00 | \$ 800.00   | Exhibits                                  |
| 8/14/2018 Mike Krismer    | 8   | \$ 200.00 | \$ 1,600.00 | Inspection With Art - File Review         |
| 8/14/2018 Stephen Krismer | 8   | \$ 100.00 | \$ 800.00   | Inspection With Art - File Review         |
| 8/15/2018 Mike Krismer    | 8   | \$ 200.00 | \$ 1,600.00 | Inspection With Art - File Review         |
| 8/15/2018 Stephen Krismer | 8   | \$ 100.00 | \$ 800.00   | Inspection With Art - File Review         |
| 8/20/2018 Mike Krismer    | 8   | \$ 200.00 | \$ 1,600.00 | Inspection File Review                    |
| 8/20/2018 Stephen Krismer | 8   | \$ 100.00 | \$ 800.00   | Floor Plans                               |
| 8/21/2018 Mike Krismer    | 8   | \$ 200.00 | \$ 1,600.00 | File Review                               |
| 8/21/2018 Stephen Krismer | 8   | \$ 100.00 | \$ 800.00   | Floor Plans                               |
| 8/22/2018 Mike Krismer    | 8   | \$ 200.00 | \$ 1,600.00 | File Review                               |
| 8/23/2018 Mike Krismer    | 8   | \$ 200.00 | \$ 1,600.00 | File Review                               |
| 8/23/2018 Stephen Krismer | 8   | \$ 200.00 | \$ 1,600.00 | Floor Plans                               |
| 8/24/2018 Mike Krismer    | 6   | \$ 200.00 | \$ 1,200.00 | Presentation Board                        |

Total \$ 29,500.00

#### Expenses

Total \$ 29,500.00

Meals, mileage & other expenses are included in above hourly fees

Total Expenses \$ -  
Less Retainer \$ 15,000.00  
Please Pay \$ 14,500.00

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Please Make Checks Payable to and forward to:  
Krismer Consulting, Inc.  
517 Ronson  
Corpus Christi, Texas 78412



517 Ronson  
Corpus Christi, Texas 78412  
Phone(361) 548-6462

6/7/2018

Invoice Number: 18015

The Snapka Law Firm  
606 N. Caranchua, Suite 1511  
Corpus Christi, Texas 78401

Re: Mustang Towers  
6109 HY 361  
Port Aransas, Texas

|                                 | HRS | Rate | Ext          |
|---------------------------------|-----|------|--------------|
| Retainer Request Mustang Towers |     |      | \$ 15,000.00 |

Total \$ 15,000.00

Expenses

Total \$ 15,000.00

Meals, mileage & other expenses are included in above hourly fees

Total Expenses \$

Please Pay \$ 15,000.00

Please Make Checks Payable to and forward to:  
Krismer Consulting, Inc.  
517 Ronson  
Corpus Christi, Texas 78412